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JUN 06 2007

PATENT APPLN. NO. 10/797,053
RESPONSE UNDER 37 C.F.R. §1.111

PATENT
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REMARKS

Claims 1-3, 5-8, 10, 13-16, 21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (U.S. Patent No. 6,222,972; hereinafter "Yamamoto"). The Office cites Yamamoto as disclosing an optical fiber having a clad layer, a core layer and a stress buffer layer (stress moderating layer) provided between the core and the clad wherein each layer is formed from an organic-inorganic composite.

Applicants respectfully submit that Yamamoto is insufficient to support a case of anticipation under 35 U.S.C. § 102(b) of the optical waveguide of the present invention as recited in the rejected claims.

The claims of the present application recite an optical waveguide comprising a lower clad layer, a core layer provided on the lower clad layer, an upper clad layer provided on and surrounding the core layer; and a stress moderating layer provided in at least one portion between the upper clad layer and the lower clad layer.

The optical fiber of Yamamoto, on the other hand, comprises a core, a clad having a multilayered structure of different polymers formed around the core. The optical fiber having a plurality of clads is coated with a barrier layer. Yamamoto discloses that to

prevent transmission loss fluctuation where the clads are made of UV-cured fluorine-containing (meth)acrylate resins and the numerical aperture of the first clad is reduced to be less than 0.30, "it is effective to provide a stress buffer layer of an energy-cured polymer between the clad and the barrier layer in such a manner that the stress buffer layer is tightly contacted with the outer surface of the clad." (Col. 9, lines 2-5). Yamamoto does not provide a stress buffer layer between an upper clad layer and a lower clad layer of an optical waveguide as recited in the claims of the present invention. Therefore, Yamamoto does not disclose each and every limitation of claim 1 (and the other rejected claims) of the present application and cannot support a rejection of the claims for anticipation under 35 U.S.C. § 102(b).

Removal of the 35 U.S.C. 102(b) rejection of the claims is in order and is respectfully requested.

Applicants note with appreciation the indication of the allowability of claim 4, if rewritten in independent form. However, the application is believed to be in condition for allowance without further amendments to the claims.

The foregoing is believed to be a complete and proper response to the Office Action dated March 6, 2007, and is believed to place this application in condition for allowance. If, however, minor

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issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,
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